IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	:	Elmar KIBLER et al.
Serial No.	:	10/522,097
For	:	SYNERGISTICALLY ACTING HERBICIDAL MIXTURES
Filed	:	January 24, 2005
TC/A.U.	:	1616
Examiner	:	Courtney Brown
Docket No.	:	3165-115
Customer No.	:	6449
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Commissioner for Patents
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December 16, 2009

APPELLANT'S APPEAL BRIEF UNDER 37 C.F.R. §41.37

Sir:

The following comprises the Patent Owner's Brief on Appeal from the Office Action dated April 16, 2009, in which claims 1, 25, 26 and 30-37, were finally rejected. A Notice of Appeal was filed on October 16, 2009. This Appeal Brief is accompanied by the required Appeal fee set forth in 37 C.F.R. § 41.20(b)(2), and is being timely filed on December 16, 2009.

I.

REAL PARTY IN INTEREST

The owner of the above-referenced patent and the real party in interest in this appeal is BASF Aktiengesellschaft, 67056 Ludwigshafen, Germany.

II.

RELATED APPEALS AND INTERFERENCES

The Patent Owner is unaware of any other appeals or interferences related to the subject matter of this appeal.

III.
STATUS OF CLAIMS

The rejection of claims 1, 25, 26 and 30-37, all of the claims under consideration in the present application, is being appealed. Claims 1 and 34 are the only independent claims with claims 25, 26, 30-33 and 35-37 depending directly or indirectly from claim 1 or claim 34. No claims are allowed. The appealed claims are reproduced in the Appendix attached hereto.

Claims 2-24 and 27-29 were previously canceled.

IV.
STATUS OF AMENDMENTS

The claim amendments made in the response to the final rejections which was filed on August 17, 2009 were not entered. This appeal is based on the claims as amended in the response to the non-final rejections filed on December 29, 2008.

V.
SUMMARY OF THE CLAIMED SUBJECT MATTER

In crop protection products, it is desirable to increase the specific activity of an active ingredient and the reliability of its action. The presently claimed invention

increases the activity and/or selectivity of the herbicidally active compound 4-[2-methyl-3-(4,5-dihydroisoxazol-3-yl)-4-methylsulfonyl-benzoyl]-1-methyl-5-hydroxy-1H-pyrazole against undesirable harmful plants (page 3, lines 10-15). The present inventors have found that specific mixtures of compounds increase the activity and/or selectivity of 4-[2-methyl-3-(4,5-dihydroisoxazol-3-yl)-4-methylsulfonyl-benzoyl]-1-methyl-5-hydroxy-1H-pyrazole and have prepared herbicidal compositions which comprise these mixtures, determined processes for their preparation, and determined methods of controlling undesirable vegetation. The mixtures according to the presently claimed invention show a synergistic effect and the compatibility of the herbicidally active compounds of components A), B) and C) for certain crop plants is generally retained (page 3, lines 27-30).

Independent claim 1 is directed to a synergistic herbicidal mixture comprising 4-[2-methyl-3-(4,5-dihydroisoxazol-3-yl)-4-methylsulfonyl-benzoyl]-1-methyl-5-hydroxy-1H-pyrazole or one of its environmentally compatible salts (page 1, lines 5-31 and page 19, lines 30-32) clopyralid or one of its environmentally compatible salts (page 8, lines 34-37 and page 21, lines 21-24) and an herbicide selected from the group consisting of sulfonamide (page 26, lines 37- 38); and a triazine selected from the group consisting of ametryn, atrazine, cyanazine, desmetryn, dimethamethryn, prometon, prometryn, propazine, simazine, simetryn, terbumeton, terbutryn, terbutylazine and trietazine (page 7, lines 27-30) or their environmentally compatible salts (page 8, line 27); in a synergistically effective amount (page 2, line 30).

Independent claim 34, is directed to a method of controlling undesired vegetation (page 3, lines 6-8), comprising applying simultaneously or separately to said vegetation (page 3, lines 17-25), the environment of said vegetation and/or seeds of said vegetation (page 37, lines 22-26), 4-[2-methyl-3-(4,5-dihydroisoxazol-3-yl)-4-methylsulfonyl-benzoyl]-1-methyl-5-hydroxy-1H-pyrazole (page 19, lines 30-32), clopyralid (page 8, lines 34-37 and page 21, lines 21-24), and an herbicide selected from the group consisting of sulfonamide (page 26, lines 37- 38) and a triazine (page 7, lines 27-30) selected from the group consisting of ametryn, atrazine, cyanazine, desmetryn, dimethamethryn, prometon, prometryn, propazine, simazine, simetryn, terbumeton, terbutryn, terbutylazine and trietazine, or their environmentally compatible salts (page 8, line 27); in a synergistically effective amount (page 1, lines 2-3).

Claims 25, 26, 30-33 and 35-37 depend directly or indirectly from claim 1 or claim 34.

VI.
GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The first issue on appeal is whether the invention claimed in claims 1, 25, 26 and 30-35 can reasonably be rejected on the ground of nonobviousness-type double patenting as being unpatentable over claims 1, 8, 9, 23 and 26-32 of application serial no. 10/522,157.

The second issue on appeal is whether the invention claimed in claims 1, 25, 26 and 30-37 can reasonably be found obvious under 35 USC §103(a) over Sievernich et

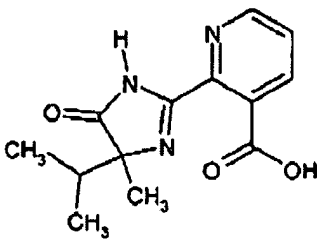
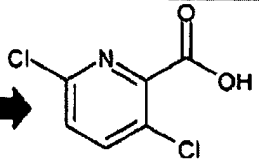
al. (CA 2,334,955).

VII.
ARGUMENTS

Claims 1, 25, 26 and 30-35 are not obvious over and should not be rejected on the grounds of obviousness type double patenting over claims 1, 8, 9, 23, and 26-32 of application no. 10/522,157.

Component A is the same in both of the applications and component C is the same when C is a triazine. However, applicants respectfully point out that component B is different in the two applications. Component B in the present application is clopyralid while component B in 10/522,157 is two herbicides selected from the group consisting of imazapyr, imazaquin, imazamethabenz-methyl, imazamox, imazapic and imazethapyr. One skilled in the art would never expect to sustain a synergistic effect when exchanging essential components in a synergistic mixture. The office action dated April 16, 2009 contends that 10/522,157 suggests clopyralid on page 5. Applicants respectfully point out that 10/522,157 suggests clopyralid as component C so that clopyralid would replace the triazine in 10/522,157 not component **B**. Thus, the disclosure pointed out in the office action does not suggest a combination of 4-[2-methyl-3-(4,5-dihydroisoxazol-3-yl)-4-methylsulfonyl-benzoyl]-1-methyl-5-hydroxy-1H-pyrazole, clopyralid and either sulfonamide or a triazine as in the present claims. The present application discloses but does not claim at least one herbicide selected from the group consisting of imazapyr, imazaquin, imazamethabenz-methyl,

imazamox, imazapic and imazethapyr as component **C**. However, since component A is the same in both applications and component C as recited in the claims, is the same when C is triazine, the components B should be compared between the two applications.

	US10/522,157	US10/522,097 (present application)
A +	4-[2-methyl-3-(4,5-dihydroisoxazol-3-yl)-4-methylsulfonyl- benzoyl]-1-methyl-5-hydroxy-1H-pyrazole	4-[2-methyl-3-(4,5-dihydroisoxazol-3-yl)-4-methylsulfonyl- benzoyl]-1-methyl-5-hydroxy-1H-pyrazole
B +	 **at least two imis, e.g. imazapyr**	 **clopyralid**
C	triazine (*atrazine*)	triazine (*atrazine*) or sulfonamide (*flumetsulam*)

Applicants point out that components B in the respective mixtures not only differ substantially with respect to their chemical structure, but also in their mode of action. Clopyralid belongs to the growth-regulator type herbicides like 2,4-D, dicamba, picloram, etc. These compounds mimic plant growth stimulant substances (hormones) called auxins. Clopyralid enters treated vegetation through the leaves and roots, and replaces natural auxins at binding sites, causing abnormal growth patterns and disrupting the growth processes of the plant. The chemical accumulates in the growing points of the plant, leading to rapid growth, and eventually plant death. Broadleaf plants treated with clopyralid exhibit stem twisting and leaf malformations (cupping, crinkling, parallel veins, leaf strapping). Corn plants exhibit rolled leaves (onion leafing), fused brace

roots, stalk bending (goosenecking) and brittleness, and missing kernels. Small grains exhibit twisted flag leaves, sterile florets, or multiple florets, twisted awns and head malformation.

In contrast to clopyralid, imidazolinone compounds (as disclosed in 10/522,157) act by inhibiting branched chain amino acid (valine, isoleucine, leucine) biosynthesis. Specifically, they inhibit the catalytic action of acetolactate synthase (ALSase), also known as acetohydroxyacid synthase and cause different symptoms in the treated plants. Grass plants may be stunted with interveinal yellowing (chlorosis) or purpling. Corn plants may be stunted and show root pruning or stunting, Leaves emerging from the whorl may be yellow to translucent in appearance. Broadleaf plants may be stunted and chlorotic or purple. Leaves may be yellow in appearance and leaf veination may appear red or purple in color.

In contrast to the unfounded allegations in the office action it is obvious that these two components will not perform analogously in mixtures and that a synergistic effect observed in one mixture cannot reasonably be expected to occur in the other mixture simply because they are both herbicides. Synergistic effects cannot be predicted from the herbicidal activity of the individual components.

The advisory action dated September 10, 2009 indicates that 10/522,157 teaches the use of clopyralid in a synergistic combination with the presently recited component A and that the present application teaches the use of two

herbicides selected from the group consisting of imazapyr, imazaquin, imazamethabenz-methyl, imazamox, imazapic and imazethapyr in combination with component A. The advisory action then concludes that it would have been obvious to substitute these components for each other. Applicants point out that in making a double patenting rejection the *claims* in the present application must be compared to the *claims* currently in the '157 application. *See Ex parte Whalen*, Appeal No. 2007-4423 (BPAI July 23, 2008) (precedential opinion) (holding that the analyses for obviousness under 35 USC §103 and obviousness–type double patenting are not identical in that § 103 obviousness compares claimed subject matter to the prior art, while nonstatutory double patenting compares claims in an earlier patent to claims in a later patent or application). *Accord Geneva Pharm. Inc. v. GlaxoSmith Kline PLC*, 349 F.3d 1373, 1385, 68 USPQ2d 1865, 1875 (Fed. Cir. 2003) (stating "because nonstatutory double patenting compares earlier and later claims, an earlier patent's disclosure is not available to show nonstatutory double patenting."); *General Foods Corp. v. Studiengesellschaft Kohle mbH*, 972 F.2d 1272, 1275, 23 USPQ2d 1839, 1840 (Fed. Cir. 1992) (stating that "the law of double patenting is concerned *only* with what patents *claim*" and that double patenting "involves an inquiry into what, if anything, has been claimed twice"); *In re Vogel*, 422 F.2d 438, 441,164 USPQ 619, 622 (CCPA 1970) (indicating that when considering obviousness-type double patenting, "the patent disclosure may not be used as prior art"); *In re Aldrich*, 398 F.2d 855, 859, 158 USPQ 311, 314 (CCPA 1968)

(indicating that double patenting rejections cannot be based on the disclosures of patents whose claims are relied on to demonstrate double patenting). Applicants contend that the present claims which recite A) 4-[2-methyl-3-(4,5-dihydroisoxazol-3-yl)-4-methylsulfonyl-benzoyl]-1-methyl-5-hydroxy-1H-pyrazole, B) clopyralid and C) either sulfonamide or a triazine would not have been obvious over the claims currently pending in the 10/522,157 application which recite A) 4-[2-methyl-3-(4,5-dihydroisoxazol-3-yl)-4-methylsulfonyl-benzoyl]-1-methyl-5-hydroxy-1H-pyrazole, B) two herbicides selected from the group consisting of imazapyr, imazaquin, imazamethabenz-methyl, imazamox, imazapic and imazethapyr;and C) a triazine selected from the group consisting of ametryn, atrazine, cyanazine, desmetryn, dimethamethryn, prometon, prometryn, propazine, simazine, simetryn, terbumeton, terbutryn, terbutylazine and trietazine. As discussed above, since components A and C are the same in the two applications when C) is a triazine, one skilled in the art would compare the components B to see if they could be substituted for each other while maintaining a reasonable expectation of synergism. As discussed above, due to the differences in activity and structure in the recited components B, prior to the present invention, one skilled in the art could not have reasonably predicted that the different mixtures would have the same synergistic effect. In view of the different components recited in the claims and the unpredictability of synergistic effects, applicants request that this rejection be withdrawn.

Claims 1, 25, 26 and 30-37are not obvious under 35 USC §103(a) over Sievernich et al. (CA 2,334,955) because claims 1, 25, 26 and 30-37 recite subject matter not shown or suggested by the cited prior art.

Sievernich discloses synergistic binary mixtures, comprising as component A) 4-[2- methyl-3-(4,5-dihydroisoxazol-3-yl)4-methylsulfonyl- benzoyl)-1-methyl-5-hydroxy-1H-pyrazole and as component B) a herbicide selected from a long list of individual active ingredients, including clopyralid. Sievernich provides no indication as to how one might select the inventive component B (clopyralid) from the wide range of potential mixing partners and to choose an additional third component C which results in a synergistic effect. Due to the complex interactions of different active ingredients, there is no reason for one of skill in the art, having a wide selection of synergistically effective binary and ternary mixtures at his disposal, to take a risk with random mixtures from the generic disclosure. As a specific embodiment, Sievernich describes synergistic mixtures, comprising as component A) 4[2-methyl-3-(4,5-dihydroisoxazol-3-y1)-4-methylsulfonyl-benzoyl]-1-methyl-5-hydroxy-1H-pyrazole and as component B) two herbicidal compounds from groups B1 to B16 (page 34, lines 43 ff.). The third component of the mixture does not need to support the inventive step. A further synergistic effect produced by the third component is neither disclosed nor suggested by Sievernich.

	CA 2,334,955	**US10/522,097 (present application)**
A +	4-[2-methyl-3-(4,5-dihydroisoxazol-3-yl)-4-methyl-sulfonyl-benzoyl]-1-methyl-5-hydroxy-1H-pyrazole	4-[2-methyl-3-(4,5-dihydroisoxazol-3-yl)-4-methyl-sulfonyl-benzoyl]-1-methyl-5-hydroxy-1H-pyrazole
B +	***a herbicide B selected from groups B1 to B16***	***clopyralid***
C	**OPTIONALLY**: a herbicidal compound from amongst the groups **B12** and **B14** (page 35, lines 4 to 8, claim 26;	**MANDATORY:** a sulfonamide (flumetsulam) or a triazine (*atrazine*)

In further embodiments, Sievernich discloses synergistic mixtures comprising as component A) 4(2-methy1-3-(4,5-dihydroisoxazol-3-yl)-4-methylsulfonyl- benzoyl]-1-methyl-5-hydroxy-1H-pyrazole, as synergistic component B) a herbicidal compound from groups B1 to B16 and as third component (let's call it C to allow for easier comparison with the present application) a herbicidal compound from amongst the groups B12 and B14. Experimental support is given in tables 76 (nicosulfuron (B2) and dicamba (B14)), tables 77 and 78 (diflufenzopyr (B5) and dicamba (B14)), table 79 (dimethenamide (B9) and atrazine (B12)), table 80 (bentazone (B12) and atrazine (B12)), tables 81 and 82 (atrazine (B12) and dicamba (B14)). Again, the third component is optional as it is not required by the independent claim in Sievernich and therefore not required to further contribute to the synergistic effect of the binary mixture. The ternary mixtures described by Sievernich are particular embodiments of the synergistic binary mixtures, which represent the underlying inventive concept (i.e. synergistic effect produced by the two main components).

Consequently, there are several significant differences between Sievernich and the present invention:

- Sievernich only generically discloses binary mixtures comprising 4-[2-methyl-3-(4,5- dihydroisoxazol-3-yl)-4-methylsulfonyl- benzoyl]-1-methyl-5-hydroxy-1H-pyrazole and clopyralid. 4-[2-methyl-3-(4,5-dihydroisoxazol-3-yl)-4-methylsulfonyl- benzoyl]-1-methy1-5-hydroxy-1H-pyrazole is covered by its generic formula (see page 41 lines 1 to 17, preferred embodiments of group

B4, inter alia clopyralid) and clopyralid is mentioned in a long list of coequal active ingredients (original claims 1, 14).

- The only specific examples disclosed by Sievernich proving a synergistic effect of a binary mixture comprising a 3-heterocyclyl-substituted benzoyl-derivative and a herbicide selected from group B4 employ 4-[2-**chloro**-3-(4,5-dihydroisoxazol-3-y1)-4-methylsulfonyl- benzoyl]-1-methyl-S-hydroxy1H-pyrazole and 2,4-D (tables 24 to 26), different compounds than components A) and B) of the present invention.
- Not a single ternary mixture exemplified by Sievernich (tables 76 ff.) comprises clopyralid.
- Sievernich does not describe or suggest a second synergistic effect which boosts the already present synergistic effect between the two main active ingredients.

The subject matter of the present invention is a selection invention from Sievernich. While Sievernich teaches binary mixtures comprising as component A) 4-[2-methyl-3-(4,5-dihydroisoxazol-3-yl)-4- methylsulfonyl- benzoyl]-1-methyl-5-hydroxy-1H-pyrazole and as component B) a herbicide selected from a long list of individual active ingredients, including clopyralid, the mixtures according to the present invention comprise three strictly defined components. The inventive step of the Sievernich application is based on the unexpected synergistic effect of the binary mixture comprising as component A) 4-[2- methy1-3-(4,5-dihydroisoxazol-3-yl)-4-methylsulfonyl- benzoyl]-1-methyl-5-hydroxy-1H-pyrazole). The office action argues

that adding a third herbicide to a synergistic mixture would be obvious to the man skilled in the art with the expectation of obtaining a synergistic mixture with enhanced effectiveness. This may or may not be the case, depending on the selected compounds. Even a purely additive effect does not always occur just because it can be calculated. Furthermore, the office action overlooks the fact that the addition of the third component, the sulfonamide or the triazine, provides not only enhanced effectiveness, i.e. an additive effect, but provides a second, additional synergistic effect which has been confirmed by experimental evidence and would not have been predictable or obvious over Sievernich.

The fact that the effectiveness of an already highly active herbicidal mixture can yet again be boosted in a more than additive manner is totally unexpected. It must be noted that the higher the level of control of unwanted vegetation already achieved, the more difficult it is to produce further improvement by addition of a further active ingredient, much less a further synergistic effect.

Attached to the response filed on August 17, 2009 is the data from the present application re-organized according to plant species, concentration of active ingredients, and components C). A reference to the respective tables in the specification was also provided. The synergistic effect of the third component on top of the binary mixture's activity can unequivocally be observed. This overview clearly confirms the inventive concept that the addition of a sulfonamide or a triazine (third component) to a mixture comprising as component A) 4-[2-methyl-3-(4,5-dihydroisoxazol-3- yl)-4-methylsuffonyl-benzoyl]-1-methyl-5-hydroxy-1H-pyrazole and as component B) clopyralid results in a

synergistic effect, which is independent from the synergistic effect that is achieved from combining component A) 4-[2-methyl-3-(4,5-dihydroisoxazol-3-yl)-4-methylsulfonyl-benzoyl]-1-methyl-5-hydroxy-1 H pyrazole and as component B) clopyralid (as described in generic terms by Sievernich).

Applicants respectfully point out that the subject matter of the present invention is a strictly defined ternary mixture, which differs in the above listed elements from Sievernich. There is no indication in Sievernich how to select the components of the presently claimed inventive mixture in order to produce a second synergistic effect. Synergistic effects cannot be predicted. Consequently, a second more than additive, i.e. synergistic increase in herbicidal activity is even less likely to be predictable. Synergy was demonstrated for a fair number of representative embodiments in the present application and further detailed explanations are provided above. Therefore, if this rejection is to be maintained, applicants request evidence that the synergistic effect resulting from the addition of a third component as in the present application would have been predictable from the prior art. In the absence of such evidence, applicants contend that this rejection should be withdrawn.

In comparing the synergistic activity of the presently claimed invention, the Colby-value, which stands for the calculated additive effect [%], has to be compared to the observed effect (damage [%]). E is the value which would be expected if the combination of active ingredients produces only an additive effect. This value is compared to the actual result (Damage [%]) to determine if a synergistic effect is produced. If E is less than the Damage [%], then synergy is occurring. Therefore the

combination of the individual components produces a synergistic effect. The Colby value is a prediction of the results of combining individual active ingredients which is why there is no Colby value for the individual components. The data in the present application demonstrates that the claimed inventive mixtures result in more than a simply additive effect. These results are unpredictable and non-obvious in view of Sievernich. One of skill in the art could not have guessed or known which of the numerous possible combinations from Sievernich would show synergistic activity without detrimental effects. The subject matter of the present invention is a strictly defined tertiary mixture. Applicants contend that there is no indication in Sievernich how to select the specific components of the presently claimed invention. In addition, a second more than additive, i.e. synergistic increase in herbicidal activity, could not have been predicted as synergistic effects in general cannot be predicted. Synergy has been demonstrated in the present application for a fair number of representative embodiments encompassed by the present invention. Applicants contend that one skilled in the art would not add a third component to a binary mixture with the expectation of obtaining a synergistic mixture with enhanced effectiveness. This may or may not be the case, depending on the selected compounds. Even a purely additive effect does not always occur just because it can be calculated. The Examiner overlooks the fact that the addition of the third component, provides not only enhanced effectiveness, i.e. an additive effect, but provides a second, additional synergistic effect which has been confirmed by experimental evidence and would not have been predictable or obvious over Sievernich. The fact that the effectiveness of an already

highly active herbicidal mixture can yet again be boosted in a more than additive manner is totally unexpected. It must be noted that the higher the level of control of unwanted vegetation already achieved, the more difficult it is to produce further improvement by addition of a further active ingredient, much less a further synergistic effect.

In view of the fact that Sievernich does not suggest or disclose the specific tertiary mixture recited in the present claims or describe or suggest a second synergistic effect which boosts the already present synergistic effect between the two main active ingredients, applicants contend that this rejection should be withdrawn.

Conclusion

For all of the above noted reasons, it is strongly contended that certain clear differences exist between the present invention as claimed in claims 1, 25, 26 and 30-37 and the references relied upon by the Examiner. It is further contended that these differences are more than sufficient evidence that the present invention would not have been obvious to a person having ordinary skill in the art at the time the invention was made.

This final rejection being in error, therefore, it is respectfully requested that this honorable Board of Patent Appeals and Interferences reverse the Examiner's decision in this case and indicate the allowability of claims 1,25, 26 and 30-37.

In the event that this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fee or credit any overpayment pursuant to 37 §C.F.R. 1.16 or §1.17 to Deposit Account No. 02-2135.

Respectfully submitted,

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VIII.

APPENDIX OF CLAIMS ON APPEAL

1. A synergistic herbicidal mixture comprising

A) 4-[2-methyl-3-(4,5-dihydroisoxazol-3-yl)-4-methylsulfonyl-benzoyl]-1-methyl-5-hydroxy-1H-pyrazole or one of its environmentally compatible salts; and

B) clopyralid or one of its environmentally compatible salts;

and,

C) at least one herbicidal compound selected from the group consisting of sulfonamide and triazine or their environmentally compatible salts; wherein said sulfonamide is selected from the group consisting of florasulam, flumetsulam and metosulam and said triazine is selected from the group consisting of ametryn, atrazine, cyanazine, desmetryn, dimethamethryn, prometon, prometryn, propazine, simazine, simetryn, terbumeton, terbutryn, terbutylazine and trietazine,

in a synergistically effective amount.

Claims 2-24. (Canceled)

25. A synergistic herbicidal mixture as claimed in claim 1 comprising, as component C) a triazine.

26. A synergistic herbicidal mixture as claimed in claim 1, comprising as component C) atrazine.

Claims 27-29. (Canceled)

30. Synergistic herbicidal mixture as claimed in claim 1, wherein component A) and B) are present in a weight ratio of 1:0.001 to 1:500.

31. Synergistic herbicidal mixture as claimed in claim 1, wherein component A) and component C) are present in a weight ratio of 1:0.002 to 1:800.

32. A herbicidal composition comprising a herbicidally active amount of a synergistic herbicidal mixture as claimed in claim 1, at least one inert liquid and/or solid carrier and, if desired, at least one surfactant.

33. A process for the preparation of herbicidal compositions as claimed in claim 32, comprising mixing component A), component B), component C), at least one inert liquid and/or solid carrier and, if appropriate, a surfactant.

34. A method of controlling undesired vegetation, comprising applying simultaneously or separately to said vegetation, the environment of said vegetation and/or seeds of said vegetation

A) 4-[2-methyl-3-(4,5-dihydroisoxazol-3-yl)-4-methylsulfonyl-benzoyl]-1-methyl-5-hydroxy-1H-pyrazole

or one of its environmentally compatible salts;

and

B) clopyralid or one of its environmentally compatible salts;

and,

C) at least one herbicidal compound selected from the group consisting of sulfonamide and triazine

wherein said sulfonamide is selected from the group consisting of florasulam, flumetsulam and metosulam and said triazine is selected from the group consisting of ametryn, atrazine, cyanazine, desmetryn, dimethamethryn, prometon, prometryn, propazine, simazine, simetryn, terbumeton, terbutryn, terbutylazine and trietazine,

or their environmentally compatible salts;

in a synergistically effective amount.

35. The method of claim 34, wherein the undesired vegetation is proximate crop plants, and the application is to the leaves of the crop plant and of the undesired vegetation.

36. A synergistic herbicidal mixture according to claim 1 comprising, as component C) a sulfonamide.

37. A synergistic herbicidal mixture according to claim 36, comprising as component C) flumetsulam.

IX.

Evidence Appendix

NONE

X.

RELATED PROCEEDINGS APPENDIX

NONE